

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-11173

STATE OF ALABAMA,
ex rel.,
ATTORNEY GENERAL, STATE OF ALABAMA,
ALABAMA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT,

Petitioners,

versus

U.S. ENVIRONMENTAL PROTECTION AGENCY,
ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Respondents.

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Order of the Court

23-11173

Petition for Review of a Decision of the
Environmental Protection Agency
Agency No. EPA-HQ-OAR-2021-0663

No. 23-11196

ALABAMA POWER COMPANY,
POWERSOUTH ENERGY COOPERATIVE,

Petitioners,

versus

U.S. ENVIRONMENTAL PROTECTION AGENCY,
ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Respondents.

Petition for Review of a Decision of the
Environmental Protection Agency
Agency No. EPA-HQ-OAR-2021-0663

23-11173

Order of the Court

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Before BRANCH and LUCK, Circuit Judges.

BY THE COURT:

The petitioners' joint motion to consolidate Case Nos. 23-11173 and 23-11196 is GRANTED. We CARRY WITH THE CASE the issue raised by the jurisdictional question, namely whether the petitioners were required to file their petitions for review in the United States Court of Appeals for the District of Columbia under 42 U.S.C. § 7607(b)(1). A final determination regarding this issue will be made by the panel to whom this case is submitted after briefing on the merits. The parties may further address the issue in their briefs as they deem necessary or appropriate.